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Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MICHAEL TRINIDAD YANEZ,  
  
Defendant.

Case No: 1:23-CR-00152-NODJ-BAM

STIPULATION TO CONTINUE TRIAL DATE  
AND TRIAL CONFIRMATION HEARING AND  
TO VACATE MOTIONS HEARING DATE; AND  
ORDER

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney Brittany M. Gunter, counsel for the government, and Ernest Scott Kinney, counsel for Michael Trinidad Yanez (“the defendant”), that this action’s 1) **trial date be continued from February 4, 2025, to March 25, 2025;** 2) **trial confirmation hearing be continued from January 13, 2025, to February 24, 2025, at 9:00 a.m.;** and 3) **the January 6, 2025, motions hearing be vacated.** The parties likewise ask the Court to endorse this stipulation by way of formal order.

The parties base this stipulation on good cause. Specifically,

1. By previous order, this matter was set for trial on February 4, 2025. ECF 36. The trial confirmation hearing was set for January 13, 2025. ECF 36. A motions hearing was set for January 6, 2025. ECF 38.

2. On December 6, 2024, the government and defense counsel conferred regarding anticipated motions to be filed. The government also informed defense counsel of its anticipated experts for trial. At that time, the parties discussed the defense counsel's need for additional time to prepare and respond to anticipated motions, prepare for trial, conduct additional investigation, and consider consulting with experts.
3. Accordingly, defense counsel requests that the trial be continued from February 4, 2025, to March 25, 2025, to allow for additional time for motions and trial preparation, additional investigation, and potential consultation with experts.
4. Given the request by the defense to continue the trial date, the parties request by this stipulation that the trial confirmation hearing be continued from January 13, 2025, to February 24, 2025, to allow adequate time for defense investigation and trial preparation.
5. The parties also request that the motions hearing, currently set for January 6, 2025, be vacated. The parties will submit a stipulation and proposed order to set a new motions hearing and briefing schedule.
6. Defense counsel believes that failure to grant the above-requested continuance and time exclusion would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
7. The government does not object to the requested continuance.
8. The parties therefore stipulate that the period of time from February 4, 2025, to March 25, 2025, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh

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1 the best interest of the public and the defendant in a speedy trial.

2 IT IS SO STIPULATED.

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4 Dated: December 9, 2024

PHILLIP A. TALBERT  
United States Attorney

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6 By: /s/ BRITTANY M. GUNTER  
BRITTANY M. GUNTER  
7 Assistant United States Attorney

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9 Dated: December 9, 2024

By: /s/ ERNEST SCOTT KINNEY  
ERNEST SCOTT KINNEY  
10 Counsel for Defendant

**ORDER**

IT IS ORDERED that:

- 1) the trial date currently set for February 4, 2025, is CONTINUED to **March 25, 2025 at 8:30 a.m. before the District Court Judge;**
- 2) the trial confirmation hearing currently set for January 13, 2025, is CONTINUED to **February 24, 2025 at 8:30 a.m. before the District Court Judge;**
- 3) a status conference is set for **January 22, 2025 at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe;** and
- 4) the motions hearing currently set for January 6, 2025, is VACATED.

IT IS FURTHER ORDERED THAT the period of time from February 4, 2025, through March 25, 2025, is excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **December 10, 2024**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE